

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

WILLIE SIMMONS JR.,	§	
INDIVIDUALLY AND AS	§	
PARENT OF HIS CHILD, WILLIE	§	
SIMMONS, III., DECEASED, et	§	
al.;	§	
<i>Plaintiffs</i>	§	
	§	
v.	§	No. 1:23-CV-00432-DAE
	§	
STEPHEN BRODERICK, TRAVIS	§	
COUNTY, SHERIFF SALLY	§	
HERNANDEZ, ADVOCATE FOR	§	
ALL, LLC, SHERITA LYNCH,	§	
<i>Defendants</i>	§	

ORDER

Before the Court are Defendants Travis County and Sheriff Sally Hernandez's (the "Travis County Defendants") Opposed Motion to Stay Discovery, Dkt. 29; Plaintiffs' Motion to Compel Defendants Travis County and Sheriff Sally Hernandez's Rule 26(a) Initial Disclosures, Dkt. 36; and Plaintiffs' Motion to Compel Discovery Responses from Defendant Travis County, Dkt. 43. The District Judge referred the motions to the undersigned for disposition. The Court set the motions for hearing, and at that hearing, the Court announced its rulings on the motions, and the reasons for those rulings, on the record. This written order memorializes those rulings.

Travis County Defendants' Opposed Motion to Stay Discovery, Dkt. 29: The Court **GRANTS** the Travis County Defendants' motion and **ORDERS** that *all*¹

¹ While the Travis County Defendants' motion requests only a stay of discovery, the parties agreed at the hearing that the other deadlines in the scheduling order that have not already

pretrial deadlines that have not already passed as of the date of this order (i.e., the deadlines set in ¶¶ 4-7 of the Court's scheduling order, Dkt. 28) be stayed pending the District Judge's ruling on the Travis County Defendants' Motion to Dismiss Plaintiffs' Second Amended Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6), Dkt. 27.

Plaintiffs' Motion to Compel Defendants Travis County and Sheriff Sally Hernandez's Rule 26(a) Initial Disclosures, Dkt. 36; and Plaintiffs' Motion to Compel Discovery Responses from Defendant Travis County, Dkt. 43: The Court **GRANTS IN PART AND DENIES IN PART** Plaintiffs' motions and **ORDERS** the Travis County Defendants to produce, within 21 days of the Court's entry of the parties' agreed protective order (more on this below), the materials it has agreed to produce, as set Joint Advisory, namely, "[Stephen Broderick's] TCSO EDF, Personnel, Background, Medical, TCSO Booking[,] and Jail Files to Plaintiffs[; and] TCSO Report No. 20-10132," Dkt. 49, at 2-3. As the Court clarified on the record, this does *not* include any investigative materials belonging to the Office of the Travis County District Attorney, which the Court found are not subject to the Travis County Defendants' initial-disclosure obligations set out in Federal Rule of Civil Procedure 26(a)(1)(A)(ii). The Court **DENIES** Plaintiffs' motions in all other respects.

Lastly, the Court **ORDERS** the parties to confer and file for the Court's entry an Agreed Confidentiality and Protective Order, as provided at Appendix H-2 to the Western District of Texas's Local Court Rules.

passed as of the date of this order should likewise be stayed until the motion to dismiss is ruled on.

SIGNED April 3, 2024.



DUSTIN M. HOWELL
UNITED STATES MAGISTRATE JUDGE